

REMARKS

The Examiner in the Official Action has objected to the Information Disclosure Statement filed April 14, 2000 as failing to comply with 37 CFR 1.98(a)(2), as not providing a legible copy of the US and foreign patents and publications. Enclosed herewith applicants have provided the appropriate copies of each. It is respectfully submitted that the objection to the Information Disclosure Statement is no longer applicable.

Also submitted herewith, is a Supplemental Declaration overcoming the objection set forth in paragraph 2.

With regard to the objection to the terminology "payment verifier" and "image loader", these terms have been removed from the claims as currently set forth and replaced with the term "server". Support for this amendment is provided in numerous places in the specification.

The Examiner has also objected to claims 6 and 12 for the incorrect spelling of "publicly". This objection has been overcome by this amendment. Also, claim 1 has been cancelled and a new independent claim 32 has been provided which overcomes the objection set forth in paragraph 5.

Claims 2, 3 and 4 have also been amended to overcome the objections under 35 USC § 112. It is believed that the appropriate basis is now provided for the terminology used.

Claim 29 has been cancelled and therefore the objection set forth in paragraph 8 is no longer applicable.

The Examiner in paragraph 10 of the Official Action has rejected claims 9-10, 13, 16-17 and 19-20 under 35 USC § 102(e) as being anticipated by Maniwa for the reasons set forth in paragraphs 11-17.

New independent claim 33 has been provided in place of previous independent claim 9.

New independent claim 33 has been amended to overcome the objections set forth by the Examiner and distinguish over the prior art. Claim 33 as currently set forth, is directed to a method of remotely uploading, storing, reviewing and editing electronic photographic images which includes among the other steps the step of sequencing and captioning the electronic photographic images. This step is not taught or suggested in either of the references cited.

The Examiner in paragraph 13 of the Official Action refers to image file – 1...m and Fig. 6 as providing support for this feature. In this regard, applicants would first like to point out that the primary reference cited by the Examiner, the Maniwa reference, is believed to be of little relevance to the present invention. In particular, this reference is directed to a network scanning system which utilizes a single scanning device such as a copier which is accessible by a number of different host machines. Previously in the prior art, it was necessary that a user must set the scanning conditions after selecting a scanning function at the host machine and then must go to the digital copier machine to set a sheet to be scanned. See col. 1, lines 60-63. The '866 overcomes this reference by allowing the user for storing settings at the scanning device for particular host units. There is no teaching or suggestion of providing a method for uploading, storing electronic photos captured by a photographer on behalf of a customer at an event. Nor is there any disclosure of sequencing and labeling the images as claimed.

In the present invention, a photographer captures images at an event and allows customers to have access to them. Independent claim 33 includes the step of sequencing and capturing electronic photographic images. As can be seen, the '866 patent is directed to a system for allowing scanning by a plurality of different host devices. There is no teaching or suggestion of capturing an image by a photographer on behalf of a customer at an event, or allowing access to the customer or other users so that image products can be ordered with respect to the images stored thereon. Quite the contrary, there is no teaching or suggestion in Maniwa of any type of system such as taught and claimed by applicants. Accordingly, it could not anticipate applicants' invention nor render applicants' invention obvious as it is directed to a totally different type of system from that to which the present invention is directed.

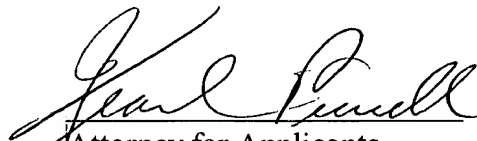
The remaining claims depend at least ultimately upon independent claim 9 and are therefore distinguishable for the same reasons and include additional features not taught or suggested by the prior art.

The Examiner in paragraph 19 also rejected claims 1-9, 12, 14, and 21-31 under 35 USC § 103(a) as being unpatentable over Maniwa in view of Wilf et al. for the reasons set forth in paragraphs 20-35.

New independent claims 32 and 34 have been amended to specifically set forth that the present invention is directed to a computer method for storing said electronic photographic images that have been captured by a photographer on behalf of a customer at an event and that these images are accessed for ordering of image products with respect to images stored on the server. Further, the independent claims include the limitation of providing access to the image profiler adapted to sequence and label the electronic photographic images. This is not taught or suggested in either of the references cited. Thus, these independent claims are distinct for the same reasons previously discussed. The secondary reference cited, Wilf et al., fails to teach or suggest any of the claimed features taught and claimed by applicants. The Wilf reference was cited merely for illustrating for verifying transaction through a financial institution. However, the Wilf reference fails to disclose or teach any of the features of the independent claims of providing a computer method for storing and saving electronic photographic images as currently taught and claimed by applicants. Thus, in view of the foregoing applicants respectfully submits that these claims are in condition for allowance and such action is respectfully submitted.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned **"Version with Markings to Show Changes Made"**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank Pincelli', written over a horizontal line.

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Version With Markings to Show Changes Made

In the Claims:

Claims 1, 2, 9, 13, 21, 22 and 29 have been cancelled.

Claims 3, 4, 5, 6, 7, 10, 11, 12, 15, 16, 19, 20, 23, 24, 25, 26, 27, 30 and 31 have been amended as set forth below:

3.(Once Amended) The computer method of claim 32~~4~~ wherein said ordering interface access providing step further comprises providing access to a customer order selector adapted to enumerate and quantify a subset of said electronic photographic images to be produced as said hardcopy renditions.

4.(Once Amended) The computer method of claim 32~~4~~ wherein said ordering interface access providing step further comprises providing access to a customer proofbook adapted to store a subset of said electronic photographic images, wherein said customer proofbook persists between said remote accesses by said customer.

5.(Once Amended) The computer method of claim 32~~4~~ wherein said ~~payment-verifier~~server access providing step enables transmitting payment corresponding to production of said hardcopy renditions in response to notification from said financial institution.

6.(Once Amended) The computer method of claim 32~~4~~ wherein said ~~server~~image loader access providing step enables receiving said electronic photographic images from a transmission over a ~~publically~~publicly accessible network through said communications link.

7.(Once Amended) The computer method of claim ~~4~~32 wherein said ~~server~~image loader access providing step enables receiving said electronic photographic images from a non-volatile digital media.

8.(Once Amended) The computer method of claim 7 wherein said non-volatile digital media is selected from the group consisting of magnetic and optical formats.

10.(Once Amended) The method as in claim 339 wherein said translating comprises scanning a visual image into a digital storage format.

11.(Once Amended) The method as in claim 339 wherein said fixing comprises using a digital camera to store said visual images therein.

12.(Once Amended) The method as in claim 339 wherein said displaying to said remote customer and said receiving said order comprises a transmission over a ~~publically~~publicly accessible network.

15.(Once Amended) The method as in claim 339 wherein said storing further comprises arranging said electronic photographic images according to an event and said displaying said electronic photographic images occurs selectively according to said event.

16.(Once Amended) The method as in claim 339 wherein said displaying is followed by the step of electing a quantitative and qualitative assertion for at least one of said electronic photographic images.

19.(Once Amended) The method as in claim 339 wherein said receiving said order comprises a qualitative and quantitative election with respect to each of said electronic photographic images of said subset.

20.(Once Amended) The method as in claim 9-33 wherein said storing is preceded by the step of remotely altering said electronic photographic images.

23.(Once Amended) The computer method of claim 3424 wherein said ordering interface access providing means further comprises means for providing access to a customer order selector adapted to enumerate and quantify a subset of said electronic photographic images to be produced as said hardcopy renditions.

24.(Once Amended) The computer method of claim ~~3421~~ wherein said ordering interface access providing means further comprises means for providing access to a customer proofbook adapted to store a subset of said electronic photographic images, wherein said customer proofbook persists between said remote accesses by said customer.

25.(Once Amended) The computer method of claim ~~3421~~ wherein said payment verifier access providing means further comprises means for transmitting payment corresponding to production of said hardcopy renditions in response to notification from said financial institution.

26.(Once Amended) The computer method of claim ~~21-34~~ wherein said image loader access providing means further comprises means for receiving said electronic photographic images from a transmission over a ~~publically~~publicly accessible network through said communications link.

25.(Once Amended) The computer method of claim ~~3421~~ wherein said ~~payment-verifier~~server access providing means further comprises means for transmitting payment corresponding to production of said hardcopy renditions in response to notification from said financial institution.

26.(Once Amended) The computer method of claim ~~3421~~ wherein said ~~image-loader~~server access providing means further comprises means for receiving said electronic photographic images from a transmission over a ~~publically~~publicly accessible network through said communications link.

27.(Once Amended) The computer method of claim ~~21-34~~ wherein said ~~server~~image-loader access providing means further provides means for receiving said electronic photographic images from a non-volatile digital media.

30.(Once Amended) The method of claim ~~321~~ further including the step of providing access to stored images for allowing image editing.

31.(Once Amended) The method of claim ~~+~~32 wherein said editing step includes one or more of the steps of categorizing, sorting and titling.

Claims 32, 33 and 34 are new.

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